

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LUIS FERNANDO OLMOS RAMIREZ)

Petitioner)

v.)

Civil Action No. _____

JOSEPH MCDONALD, JR., Sheriff Plymouth County;)

PATRICIA HYDE, ICE Field Office Director;)

MICHAEL KROL, HSI New England Special)

Agent in Charge; TODD LYONS, Acting)

Director U.S. Immigrations and Customs)

Enforcement; and KRISTI NOEM, U.S. Secretary)

of Homeland Security,)

Respondents)

**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR EMERGENCY
INJUNCTIVE RELIEF**

INTRODUCTION

Petitioner Luis Fernando Olmos Ramirez is presently in federal custody and being held at the Plymouth County Correctional Facility in Plymouth, Massachusetts. *Despite Petitioner not being subject to a removal order*, agents of U.S. Immigration and Customs Enforcement (“ICE”) arrested and detained him on May 24, 2025. ICE did so on grounds its agents would not articulate at the time of arrest, nor has ICE done so since. Petitioner’s detention is unlawful and the Court should order his immediate release.

Petitioner is a native and citizen of El Salvador who entered the United States as an unaccompanied child in November 2015. He was placed in removal proceedings upon entry, and was held in Office of Refugee Resettlement (“ORR”) custody until he was released to his father in Lynn, Massachusetts, in December 2015. Petitioner has lived in Lynn ever since. In September 2017, he was granted Special Immigrant Juvenile Status, and thereafter filed for adjustment of

status before the Boston Immigration Court. On December 23, 2024, after a case transfer from that court, the Chelmsford Immigration Court *terminated Petitioner's removal proceedings* so that he could pursue adjustment of his status before the U.S. Citizenship and Immigration Services ("USCIS"). At the time of his arrest on May 24, 2025, Petitioner's application to USCIS remained pending and removal proceedings remained terminated.

Petitioner seeks an emergency order preventing the Respondents from moving him to a facility outside Massachusetts. On information and belief, such relocation may be imminent, as Petitioner reports that, as of this evening, May 27, 2025, other immigrants detained in the Plymouth facility are being transferred to other detention facilities. Relocating the Petitioner to a facility outside Massachusetts will exponentially increase the risks that he will be further deprived of due process and unlawfully removed from the United States to dangerous conditions in El Salvador or elsewhere. Harm to petitioner will be irreparable without the requested emergency relief.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Venue is proper because Petitioner is detained at Plymouth County Correctional Facility which is located at 26 Long Pond Road, Plymouth, Massachusetts. Moreover, Petitioner has lived in Massachusetts since 2015, with his father. Prior to the Petitioner's arrest and detention three days ago, he was residing with his father and with his Lawful Permanent Resident girlfriend in Lynn, Massachusetts. A substantial part of the events or omissions giving rise to his claims occurred in this District.

PARTIES AND FACTS ALLEGED

5. Petitioner **Luis Fernando Olmos Ramirez** is a native and citizen of El Salvador who entered the United States as an unaccompanied child in November 2015. He was placed in removal proceedings at entry, and was held in ORR custody until he was released to his father in Lynn, Massachusetts, in December 2015. He has resided in Lynn ever since, until his arrest and detention three days ago.

6. Petitioner was granted Special Immigrant Juvenile Status on September 5, 2017 and, shortly thereafter, filed for adjustment of status before the Boston Immigration Court.

7. Petitioner graduated from Lynn English High School in 2019, and took classes at North Shore Community College in 2020.

8. Respondent, **Joseph McDonald, Jr.**, is the Sheriff of Plymouth County, the facility where the Petitioner is currently detained.

9. Respondent, **Patricia Hyde**, is the New England Field Office Director for U.S. Immigration and Customs Enforcement which is the agency that apprehended and detained the Petitioner.

10. Respondent, **Michael Krol**, is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.

11. Respondent, **Todd Lyons**, is the Acting Director for U.S. Immigration and Customs Enforcement.

12. Respondent, **Kristi Noem**, is the U.S. Secretary of the Department of Homeland Security (“DHS”).

13. All respondents are named in their official capacities.

14. Petitioner is currently in the custody of the Respondents and one of the Respondents is his immediate custodian.

15. Petitioner was detained without cause by ICE agents on May 24, 2025.

16. ICE took this action despite Petitioner’s removal proceedings being lawfully terminated by an immigration judge more than six months ago in December 2024.

17. On information and belief, such relocation may be imminent, as Petitioner reports that, as of this evening, May 27, 2025, other immigrants detained in the Plymouth facility are being transferred to other detention facilities.

18. Relocating the Petitioner to a facility outside Massachusetts will cause him irreparable harm. It will deny him reasonable access to his attorney and his family. Such relocation will also markedly increase other risks of grave harm to Petitioner, including unlawful removal to El Salvador or other destination arbitrarily selected by ICE or DHS. Allowing these likely harms to occur while continuing to deprive Petitioner of due process would be plainly unconstitutional, illegal, and unconscionable.

CLAIM FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

19. All foregoing allegations are incorporated herein.

20. Petitioner is currently being detained by agents of the U.S. government without cause and in violation of his constitutional rights to due process of law.

21. On information and belief, Petitioner has engaged in no unlawful conduct since the Immigration Court terminated his removal proceedings in December 2024. Nor, on information and belief, have any circumstances involving Petitioner changed since December 2024 that could conceivably justify his arrest or detention.

COUNT TWO
Violation of 8 U.S.C. § 1357(a)(2); INA § 287(a)(2)

22. All foregoing allegations are incorporated herein.

23. The Petitioner's arrest violates 8 U.S.C. § 1357(a)(2), and the corresponding INA § 287(a)(2), which limits the circumstances in which a warrantless arrest is permitted.

24. The Petitioner's removal proceedings were terminated by the Chelmsford Immigration Court in December 2024.

25. Petitioner had a pending green card application before USCIS at the time of his arrest. As such, there is no evidence that the Petitioner posed a flight risk.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- a. Assume jurisdiction over this matter;
- b. Order, on an emergency basis, that Petitioner shall not be transferred outside the District of Massachusetts until further notice from this Court;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Declare that the Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

- e. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately; and
- f. Grant any further relief this Court deems just and proper.

Respectfully submitted,

LUIS FERNANDO OLMOS RAMIREZ,

By her attorney,

/s/ Benjamin B. Tymann

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Dated: May 27, 2025